

T.Ex (Com)–01/2025
(Arising Out of TS (Com)- 6&11 of 2024)
Present :: Ishani Chakravarty Banerjee (J.O Code.WB00890)
Judge, Commercial Court at Rajarhat
North 24 Parganas.

CNR: WBNP19-000068-2025

04
26.09.2025

The case record is **suo motu** put up today as the learned Advocate for the Judgment Debtor files a put-up petition in **T.S. (Com) Nos. 6 & 11 of 2024 [26 & 50 of 2019 (CC)]**, enclosing a copy of the order dated 16.09.2025 passed by the Hon'ble High Court at Calcutta in **AD-COM 1 of 2025 with AD-COM 2 of 2025 with CAN 1 of 2025, CAN 2 of 2025; AD-COM 3 of 2025 with AD-COM 4 of 2025 with CAN 1 of 2025 and CAN 2 of 2025** (in the matter of *M/s Astdurga Construction Private Limited vs. Vishnupriya Enclave Pvt. Ltd. & Ors.*).

By filing the said petition, the Judgment-Debtor herein and plaintiff in the Suit prays for an order recording the **payment of the decretal cost** in the record of the instant suit and for passing such further orders as may be deemed appropriate in terms of the Hon'ble High Court's directions.

In its solemn order dated **16.09.2025**, the Hon'ble High Court has been pleased to stay the **judgments and decrees under appeal**, as well as the **execution proceedings, until disposal of the appeals**, subject to the condition that the appellant secures the amount of the decrees to the satisfaction of the learned Registrar General of the Hon'ble High Court.

The relevant portion of the said order is extracted below:

“7. Some amount of confusion has been created by the numbering of the suits as appears from the two judgments and decrees. The judgment and decree dated April 24, 2025 mentions T.S. (Com) 6 and 11 of 2024. However, the judgment and decree dated May 3, 2025 mentions T.S. (Com) 2 of 2024. Therefore, apparently, there were three suits. However, that is not correct, as the parties say and also as the order under appeal records, there were two suits only and there were counterclaims in both the suits. This confusion needs to be cleared.

8. Learned Trial Court is requested to file a report in the above regard so that the confusion is cleared.

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14. There will be an unconditional stay of the judgments and decrees under appeal as also the execution proceedings till two weeks after the Puja Vacation. If in the meantime, the appellant secures the amounts of the decrees passed in the two suits to the satisfaction of the learned Registrar General of our Court, the order of stay of the impugned decrees as well as the execution proceedings shall continue till the disposal of the appeals.”

In view of the above solemn order passed by the Hon’ble High Court, **further proceedings in the instant execution case shall remain stayed**, awaiting further orders from the Hon’ble Court.

To date 20.11.2025 for awaiting order from the Hon’ble High Court at Calcutta.

Let the order of the Hon’ble High Court be kept with the case record.

Sd/- Ishani Chakravarty Banerjee
Judge
Commercial Court,
Rajarhat, North 24 Parganas